

BOA MEETING 4-7-2020

Staff: Hillary Taylor, Planner II

Sharon Haugen, Community Development Director

421 SPENCER STREET

IS THE APPLICANT PRESENT?

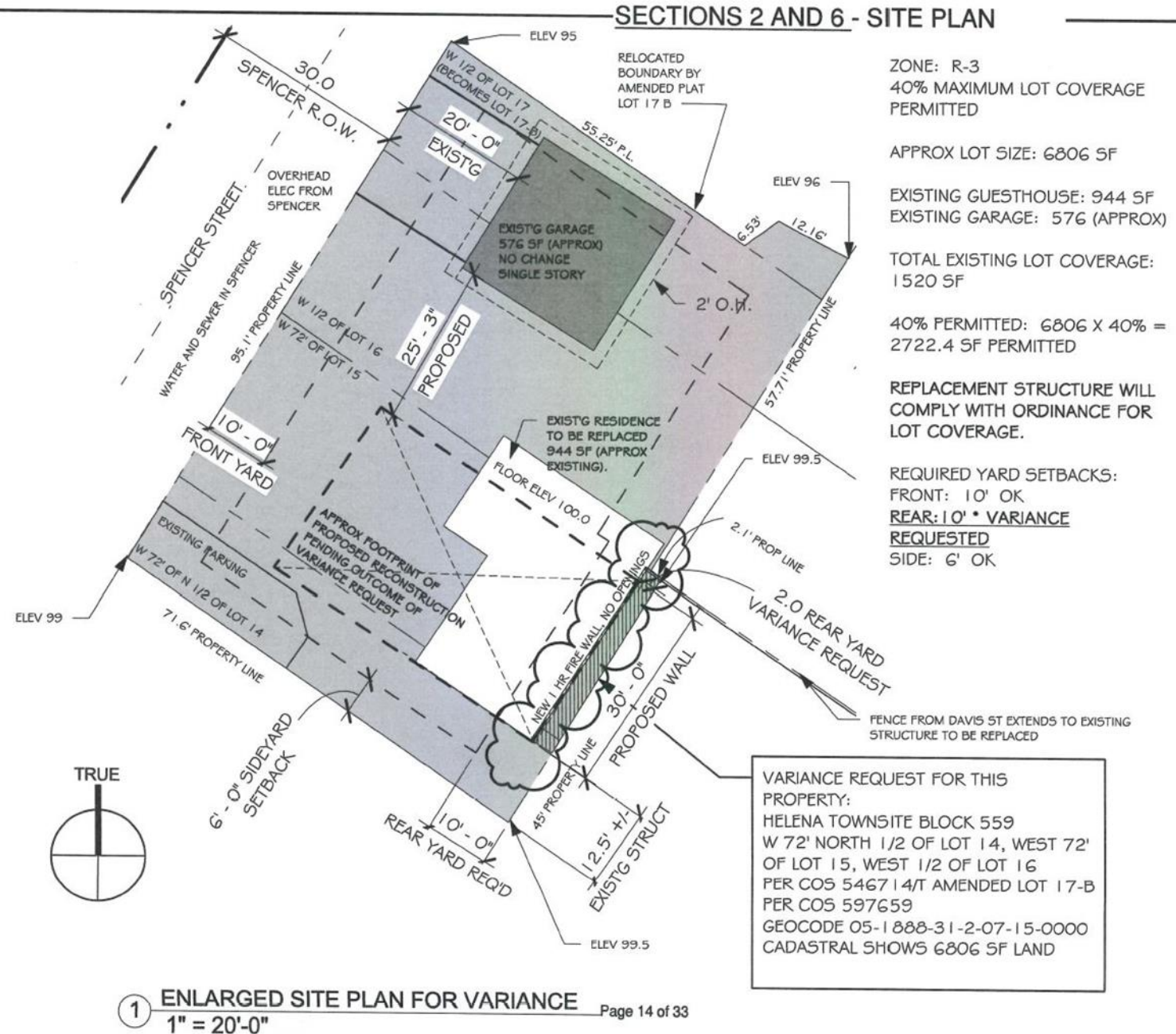
421 SPENCER STREET

- A variance request from Section 11-4-2(B) of City Code to reduce the 10 foot rear lot line setback requirement to 2' feet for 421 Spencer Street located in an R-3 (Residential) zoning district.
- The applicant proposes to tear down and rebuild an existing single-family home.

421 SPENCER STREET - LEGAL DESCRIPTION

- West 72' and the North $\frac{1}{2}$ of Lot 14, the West 72' of Lot 15, the West $\frac{1}{2}$ of Lot 16 of the Helena Townsite 1869 as shown on COS 546714 and Lot 17-B as shown on in COS 597659, in the City of Helena, in Lewis and Clark County, Montana.

SITE PLAN



B J E R K E
ARCHITECTS PLLC
 2405 N. MONTANA AVE
 HELENA, MONTANA 59601
 406.448.8601
 406.448.1118 FAX
 www.bjerkarchitects.com

PROPOSED RECONSTRUCTION OF RESIDENCE FOR:
HOOD/FRAZER RESIDENCE
 421 SPENCER STREET
 HELENA, MONTANA

SITE PLAN

PROJECT # 14.081
DATE: 02.25.2020
DRAWN BY: SDB
CHECKED BY: SDB
S-2
OF 2

421 SPENCER STREET - VARIANCE CRITERIA

Pursuant to Section 11-5-5 of City Code:

To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards and find as follows:

- 1. The variance will not create a significant risk to the public health, safety, or general welfare;*
- 2. The variance will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located; and*
- 3. Strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.*

421 SPENCER STREET - REVIEW CRITERIA FOR PART C

In evaluating the standards in C. above, the Board of Adjustment may consider the following factors:

- 1. Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.*
- 2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.*
- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
- 4. The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.*
- 5. Whether a literal interpretation of the provisions of this Title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Title.*
- 6. The extent to which the hardship or difficulty results from the actions of the applicant.*
- 7. Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.*

421 SPENCER STREET - PUBLIC COMMENT

- Neighbor notices were mailed out on 3-27-2020.
- A legal notice was placed in the Independent Record and ran 15 days prior to the meeting.
- No public comment has been received.

421 SPENCER STREET - MOTION AND RECOMMENDATIONS

- Section 11-5-5 (F) of City Code states the following: *The board of adjustment may impose conditions to minimize adverse impacts that the variance may have on the public health, safety, or general welfare. Any approval that includes conditions is subject to the terms of the conditions. Conditions stated in the approval may include, but are not limited to:*
- *A time period in which the proposed structure shall be completed; and*
- *Other conditions necessary to mitigate adverse effects from the variance.*
- **It is the recommendation of the City Attorney's Office, that staff does not make a recommendation to approve or deny a variance.**
- Montana law states the Board of Adjustment has authority to consider "...upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done." (76-2-323 MCA)

421 SPENCER STREET - RECOMMENDED MOTION

- **Motion: APPROVE or DENY** a variance from Section 11-4-2(B) of City Code to reduce the 10 foot rear lot line setback requirement to 2' feet for 421 Spencer Street located in an R-3 (Residential) zoning district. With a legal description of: West 72' and the North ½ of Lot 14, the West 72' of Lot 15, the West ½ of Lot 16 of the Helena Townsite 1869 as shown on COS 546714 and Lot 17-B as shown on in COS 597659, in the City of Helena, in Lewis and Clark County, Montana.
- If the Board of Adjustment approves the requested variances, the following conditions are recommended:
- Building Permit: A building permit must be obtained within one (1) year

QUESTIONS FOR STAFF?



APPLICANTS OPPORTUNITY TO ADDRESS
THE BOARD



PUBLIC COMMENT?



MOTION

- **Motion: APPROVE or DENY** a variance from Section 11-4-2(B) of City Code to reduce the 10 foot rear lot line setback requirement to 2' feet for 421 Spencer Street located in an R-3 (Residential) zoning district. With a legal description of: West 72' and the North ½ of Lot 14, the West 72' of Lot 15, the West ½ of Lot 16 of the Helena Townsite 1869 as shown on COS 546714 and Lot 17-B as shown on in COS 597659, in the City of Helena, in Lewis and Clark County, Montana.
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618, 626, AND 630 N. LAST CHANCE GULCH

IS THE APPLICANT PRESENT?

618, 626, AND 630 N. LAST CHANCE GULCH

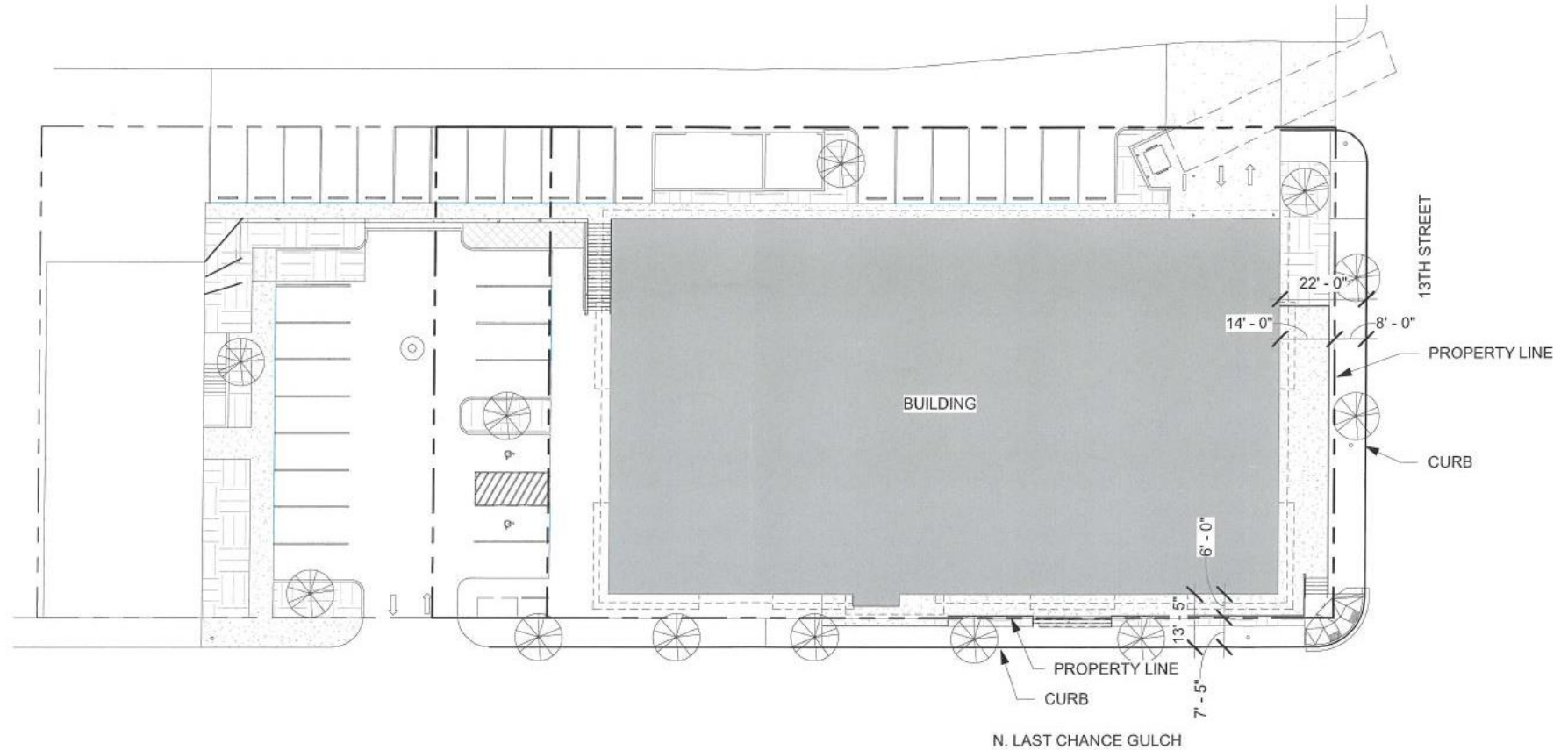
- A variance request from Section 11-9-7 (B) of City Code to increase the zero lot line setback requirement to 6' feet on the primary street, and 14' feet on the secondary street for 618, 626 & 630 N. Last Chance Gulch located in an DT (Downtown) zoning district.
- The applicant proposes to build a new building that will be setback from the property to create a better pedestrian condition.

618, 626, & 630 N. LAST CHANCE GULCH - LEGAL DESCRIPTION

- Lots 3-6 of Block 4 of the Central Addition, and all of Lot 2, and a portion of Lot 1 of Block 4 of the Central Addition, and Lot 9A as shown on COS 3349376 in the City of Helena, in Lewis and Clark County, Montana.

SITE PLAN

City Comm. Dev. Dept.



1 SITE PLAN - CURB & PROPERTY LINES
N.T.S.

618, 626 & 630 N. LAST CHANCE GULCH - STANDARDS

Pursuant to Section 11-5-5 of City Code:

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618, 626 & 630 N. LAST CHANCE GULCH - STANDARDS

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- 3. Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.*
- 4. The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.*
- 5. Whether a literal interpretation of the provisions of this Title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Title.*
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618, 626 & 630 N. LAST CHANCE GULCH - PUBLIC COMMENT

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618, 626 & 630 N. LAST CHANCE GULCH

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618, 626 & 630 N. LAST CHANCE GULCH - PROPOSED MOTION

- **Motion: APPROVE or DENY** a variance from Section 11-9-7 (B) of City Code to increase the zero lot line setback requirement to 6' feet on the primary street, and 14' feet on the secondary street for 618, 626 & 630 N. Last Chance Gulch located in an DT (Downtown) zoning district. Property with a legal description of Lots 3-6 of Block 4 of the Central Addition, and all of Lot 2, and a portion of Lot 1 of Block 4 of the Central Addition, and Lot 9A as shown on COS 3349376 in the City of Helena, in Lewis and Clark County, Montana.
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PUBLIC COMMENT?



MOTION

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